

**Electronically Recorded**

Official Public Records

Tarrant County Texas

2009 Jul 22 11:01 AM

Fee: \$ 24.00

Submitter: SIMPLIFILE

**D209195642**

3 Pages

*Suzanne Henderson*

Suzanne Henderson

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

**SECOND AMENDMENT TO  
SURFACE LEASE AGREEMENT**

STATE OF TEXAS  
COUNTY OF TARRANT

WHEREAS, Vista Crossroads I, L.P., and Hollis R. Sullivan, Inc. executed a Surface Lease Agreement (the "SLA") dated October 24, 2006, recorded as Document Number D207020082 in the Official Public Records of Tarrant County, Texas, covering a four acre tract identified as the "Operations Site" as more particularly described in the SLA;

WHEREAS, the SLA was amended by that certain Amendment to Surface Lease Agreement dated September 16, 2008 (the "Amendment") recorded as Document Number D209146057 in the Official Public Records of Tarrant County, Texas;

WHEREAS, XTO Energy Inc. succeeded to the interest in and to the SLA, as amended, formerly owned by Hollis R. Sullivan, Inc.; and

WHEREAS, XTO Energy Inc. and Vista Crossroads I, L.P., desire to amend paragraph C. of the Amendment as set forth herein.

NOW, THEREFORE, Vista Crossroads I, L.P., being the present owner of the surface of the Operations Tract described above, in consideration of the sum of One Dollar and other valuable considerations cash in hand paid by XTO Energy Inc., the receipt and sufficiency of which are hereby acknowledged, and XTO Energy Inc., do hereby agree to amend the Amendment as follows:

The date "July 1, 2010" provided for in paragraph C. of the Amendment is hereby deleted and replaced with "January 1, 2012".

Except as amended by any prior recorded amendments of the SLA, and by this amendment, the SLA is and remains in full force and effect as originally written.

This instrument may be executed as one document signed by all parties, or parties named herein may join by execution of a counterpart or ratification, with the same effect as if all parties executed this instrument. Executed signature and acknowledgement pages from different originals may be combined to form a single original instrument for recording purposes. The failure of any one or more persons to execute this instrument or a counterpart or ratification thereof shall not in any manner affect the validity of same as to the parties who do execute this instrument.

IN WITNESS WHEREOF this instrument is executed on this the 16 day of July, 2009.

**Vista Crossroads I, L.P.,  
a Texas limited partnership**

By: GLC Vista Crossroads, LLC,  
its general partner

By: Granite Land Company, a California  
corporation, its Managing Member

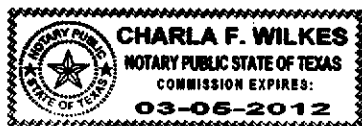
By: Scott D. Wolcott  
Scott D. Wolcott, President

**XTO Energy Inc.**

Edwin S. Ryan, Sr. H6  
Edwin S. Ryan, Sr.  
Senior Vice President – Land Administration

STATE OF TEXAS       §  
COUNTY OF TARRANT   §

This instrument was acknowledged before me on this 20<sup>th</sup> day of July, 2009, by Edwin S. Ryan, Jr., Senior Vice President – Land Administration of XTO Energy Inc, a Delaware corporation, on behalf of said corporation.



Charla F. Wilkes  
Notary Public, State of Texas

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of

Sacramento

On 07/16/2009

Date

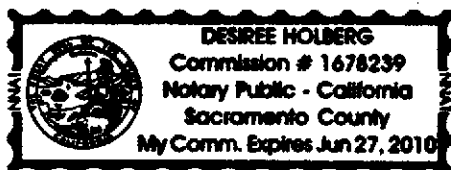
before me, Desiree Holberg, Notary Public

Here Insert Name and Title of the Officer

personally appeared

Scott D. Wolcott

Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

*Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.*

### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer(s)

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here

Signer's Name: \_\_\_\_\_

- ☐ Individual
- ☐ Corporate Officer — Title(s): \_\_\_\_\_
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

RIGHT THUMBPRINT  
OF SIGNER

Top of thumb here